

## UAS: Historical View of Legislation

### 2013

- On April 3, 2013, **Virginia** enacted the first state drone laws in the country with the passage of [HB 2012](#) and [SB 1331](#). The new laws prohibit drone use by any state agencies “having jurisdiction over criminal law enforcement or regulatory violations” or units of local law enforcement until July 1, 2015. Numerous exceptions to the ban are enumerated including enabling officials to deploy drones for Amber Alerts, Blue Alerts and use by the National Guard, by higher education institutions and search and rescue operations. The enacted bills also require the Virginia Department of Criminal Justice Services and other state agencies to research and develop model protocols for drone use by law enforcement in the state. They are required to report their findings to the General Assembly and governor by Nov. 1, 2013.

### 2014

- None.

### 2015

- VA Governor signed **executive order** establishing a commission on unmanned systems.
- **HB 2125 & SB1301**: Require that a law enforcement agency obtain a warrant before using a drone for any purpose, except in limited circumstances.

### 2016

- **HB412**: Prohibits the regulation of UAS by localities.
- **HB29/HB30**: Appropriates funds to Virginia Tech for UAS research and development.

### 2017

- **HB2350**: Makes it a Class 1 misdemeanor to use UAS to trespass upon the property of another for the purpose of secretly or furtively peeping, spying, or attempting to peep or spy into a dwelling or occupied building located on such property.
- **SB873**: Specifies that the fire chief or other officer in charge of a fire department has the authority to maintain order at an emergency incident including the immediate airspace. Individuals who don't obey the orders of the officer in charge are guilty of a class 4 misdemeanor.

### 2018

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- **HB5002 (Budget Bill):** Appropriates \$1 million to support UAS companies and development of UAS industries. Also, an additional appropriation of \$1 million is also provided to establish an Unmanned Aerial Systems Commercial Center of Excellence and business accelerator.
- **SB186:** Specifies that search warrant requirements shall not apply to local governments when UAS are used to support the Commonwealth or any locality for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment and wildfire assessment.
- **HB1482:** Allows UAS to be used by a law enforcement officer following an accident to survey the scene for the purpose of crash reconstruction and record the scene by photographic or video images.
- **SB307:** Directs the Department of Aviation to convene a workgroup with representation from the aviation industry, UAS industry and other interested parties to explore issues related to UAS, in coordination with the Federal Aviation Administration.
- **SB508:** Creates an exemption for a “search warrant” following an accident where a report is required to survey the scene of an accident for the purpose of crash reconstruction and record the scene by photographic or video images.
- **HB638:** Directs the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, to study UAS, as well as innovation and economic development. Requires a report to the Governor and General Assembly by Nov. 2, 2019.

### **2018**

- **HB1636:** Makes it a misdemeanor offense to take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions (e.g., military and defense facilities).
- **SB1507:** Allows UAS to be operated by law enforcement to survey the residence of a person subject to an arrest warrant, or to locate a person that has fled law enforcement and the officer is in active pursuit.

### **2020**

- **HB742:** Empowers localities to regulate the takeoff or landing of UAS on property owned by such localities, in accordance with rules and regulations adopted by the Commonwealth Department of Aviation (DOAV). Requires adopted ordinances or regulations to be reported to the DOAV, along with a summary published on the locality’s website. Directs the DOAV to develop rules and regulations specific to takeoffs and landings with representatives of the UAS industry, small- and medium-sized businesses, and localities. Contains an effective date of Jan. 1, 2021.

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- **HB1017:** By December 1, 2020, and annually thereafter, recommendations to evaluate and measure current and future incentives relative to technology- driven industries such as UAS shall be developed.
- **HB30:** Appropriates \$2 million over two years from the general fund for the Virginia Center for Unmanned Systems (Center), which shall serve as a catalyst for growth of UAS in the commonwealth. Directs the Center to establish collaboration between businesses, investors, universities entrepreneurs and government organizations.

### **2021**

- **TBD.**

### **Resources:**

<https://www.ncsl.org/research/transportation/current-unmanned-aircraft-state-law-landscape.aspx>

<https://viriniageneralassembly.gov/>